

UNITED STATES COURT OF APPEALS

Filed 4/8/96

FOR THE TENTH CIRCUIT

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WILLIAM A. SOJKA,	)	
	)	
Plaintiff-Appellant,	)	
	)	No. 95-1456
v.	)	(D.C. No. 95-S-2545)
	)	(D. Colorado)
CHERYL SMITH,	)	
	)	
Defendant-Appellee.	)	

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ORDER AND JUDGMENT<sup>1</sup>

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Before PORFILIO, MCKAY, and KELLY, Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. **See** Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The cause is therefore ordered submitted without oral argument.

This is an appeal following dismissal of a civil rights complaint on the grounds of frivolousness and failure to state a

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<sup>1</sup> This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

claim. Our examination of the pleadings and the record leads us to conclude the district court did not err. We **AFFIRM** for the grounds stated in the district court's order of October 19, 1995.

The mandate shall issue forthwith.

**Entered for the Court**

**John C. Porfilio**  
**Circuit Judge**